

REMARKS

Claims 17-26 were pending in the present application. Claims 17 to 25 have been canceled without prejudice. Applicants reserve the right to prosecute the subject matter of canceled claims 17 to 25 in one or more related continuation, divisional and/or continuation-in-part applications. Claim 26 has been amended to specify that the claimed Kansas-strain bovine PIV virus is a chimeric virus and that the numbers recited in the claim refer to nucleotides of the viral genome. Support for the amendment can be found in the specification as filed, *e.g.*, at page 1, line 10. New claims 27 to 36 have been added. Support for the new claims 27 to 36 can be found in the specification as filed, *e.g.*, as set forth in the chart below. Thus no new matter has been introduced.

Claim 26 and new claims 27 to 35 cover chimeric parainfluenza viruses encoded by genomes comprising sequences derived from the genome of Kansas-strain bovine PIV, in addition to sequences derived from a virus other than bovine PIV 3, such as or human PIV, or any species of RSV and influenza. The claims provide those portions of the Kansas-strain bovine PIV genome from which the claimed chimeric viruses are derived. It would be clear to one skilled in the art provided with the instant specification that the claimed chimeric viruses would encompass those viruses encoded by genomes comprising those sequences or sequences substantially similar, *e.g.*, sequences containing minor variations, including changes in length or minor changes to the nucleotide sequence.

Claim 36 has been added to more clearly point out and describe what Applicants regard as the invention.

<u>Claim</u>	<u>Support</u>
27	Corresponds to previously presented claim 26; Page 19, line 20 to Page 20, line 6; page 14, lines 26-27
28	Example 1; Page 30; Page 19, line 20 to Page 20, line 6; page 14, lines 26-27
29	Corresponds to previously presented claim 25 (amended to remove dependency); page 14, lines 26-27
30	Example 1; Page 30; Page 19, line 20 to Page 20, line 6; page 14, lines 26-27
31	Page 14, line 30 to page 15, line 18; page 1, lines 14-16;
32	Page 14, line 30 to page 15, line 18; page 1, lines 14-16; page 26, line 10

<u>Claim</u>	<u>Support</u>
33	Page 14, line 30 to page 15, line 18; page 1, lines 14-16; page 26, line 6
34	Example 1; Page 30
35	Page 26, lines 10-13
36	Example 3; page 32

SUMMARY OF THE TELEPHONIC INTERVIEW

Applicants want to thank Examiner Salimi for the telephonic interview of October 15, 2003 with Applicants' representative Jacqueline Benn in connection with the outstanding Final Office Action. During the telephonic interview, Examiner Salimi indicated that claim 26 would be allowable and that claims directed to chimeric viruses, *i.e.*, viruses encoded by sequences derived from the Kansas strain of bovine PIV and sequences derived from another virus, *e.g.*, a human PIV or RSV, would also be allowable. Accordingly, Applicants have added new claims that are directed to such chimeric viruses.

Further, Examiner Salimi indicated that the new claims should be submitted in response to the outstanding Final Office Action and that such a submission would be considered fully responsive.

The Claim Rejections under 35 U.S.C. § 112 Should Be Withdrawn

The claims were rejected under 35 U.S.C. § 112, first and second paragraph. Applicants respectfully disagree with the reasons for the rejections. However, in view of the present claim amendments, the rejections are moot and should be withdrawn.

The Claim Rejections under 35 U.S.C. § 102(b) Should Be Withdrawn

The claims were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Murphy *et al.* (WO 98/53078). Applicants respectfully disagree with the reasons for the rejection. However, in view of the present claim amendments, the rejection is moot and should be withdrawn.

No fee is believed to be required for this response. However, should any fee be due, please charge the required amount to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

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